

**Remarks/Arguments**

Claims 1-14 are pending.

Claims 1 and 3 have been amended. Claim 1 now focuses on the possibility of an application negotiating the access to a resource already reserved by another application as a function of the respective priority levels of the applications, whereas claim 3 now focuses on the pre-emption of the resource by an application, also as a function of the respective priorities, but in addition as a function of the result of the negotiation.

Claim 14 has been added to more fully claim the subject matter that applicants regard as their invention. Support for new claim 14 is provided in, for example, page 16, lines 18 to 25.

The feature of negotiation is described in the description as filed, for example, at page 16, lines 18 to 25, and page 17 line 25 to page 19 line 7. In the described embodiment, an application may negotiate for the status of 'primary' application for a resource, which basically corresponds to the broadest scope of control an application may have over a resource. This feature is included in claims 10 and 13.

**Objection to the Drawings under 37 CFR 1.83(a)**

Applicants submit that the objection to the drawings is overcome in view of replacement Figure 1.

**Rejection of claims 1-13 under 35 USC 103(a) as being unpatentable over Kuftedjian et al (US 6,105,057) in view of Kindell et al (US 5,884,028)**

Applicants submit that for the reasons discussed below amended claim 1, and the claims that depend therefrom, are patentably distinguishable over the combination of cited prior art references.

Amended claim 1, now recites "... of negotiating, by a first application, of abandonment, for the benefit of the first application, of a resource by a second application, wherein the second application agrees to abandon the resource or refuses to

abandon the resource, and wherein said negotiation is carried out as a function of the respective priority levels of the first and second applications." The feature of the first application negotiating for access was previously included in claim 3 as filed. With regard to this particular rejection, the Examiner refers to Kindell et al. col. 11 lines 34 to 59 as teaching that "the preemption step is preceded by a negotiation phase...." Applicants respectfully disagree that Kindell et al teaches or suggests such a limitation.

Kindell et al. describes a networked computer system for storing and presenting multimedia data, in particular video clips. For a clip to be accessible by a viewing station, different resources may need to be reserved, depending on whether the sought after video clip is stored locally or remotely (e.g. either only local resources, or network resources as well). Client devices (e.g. ref. 304, Fig. 3) comprise a Resource Manager and Configuration File for respectively authorizing or rejecting resource reservations, and holding information regarding local resources. Typically, upon reception of a request to access a locally stored video clip, the Resource Manager checks whether the status of local resources allows this request to be carried out or not, and responds accordingly.

The portion of Kindell et al cited by the Examiner describes the process by which the Resource Manager accepts or rejects a request. It mentions how the response to the request is passed back along the request chain, and how resources that had been previously reserved are freed in case the request is not granted.

According to the Examiner, the cited passage shows that 'the pre-emption step is preceded by a negotiation phase during which the first application transmits a message to the second application asking it to agree to or to refuse to abandon the access in favor of the first application'.

The Applicant respectfully disagrees. The cited paragraph does not mention a negotiation between two applications regarding access to a resource and it does not mention either a request from a first application to a second application to abandon in its favor an already reserved resource. **It simply mentions an inquiry as to whether a reservation is possible or not, and the path over which the response travels. While**

the passage mentions releasing previously reserved resources, this release is mentioned only in conjunction with a rejected reservation at one stop on the path to be reserved.

**This is not the result of a negotiation between two applications contending for the same resource.**

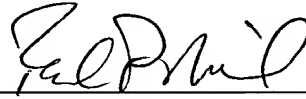
The invention claimed in amended claim 1 enables to link the negotiation between two applications for a resource already reserved by one of the applications to the respective priority level of each application. Different cases illustrating the usefulness of this process are described, for example, at pages 17, line 25 to page 19, line 7 of the application and in Table 2 (page 20). In particular, a negotiation between two applications may be altogether forbidden in certain cases, as a result of a judicious selection of priorities, while in other cases, negotiations may be carried out (e.g. in particular in case user-controllable applications compared to system-controlled applications).

The introduction of a possible negotiation according to priorities gives a much more flexible approach to resource reservation than a simple pre-emption process. Indeed, an application may accept or refuse to free a resource based on a number of factors (such as a user input following a warning linked to the negotiation), which cannot be implemented in a simple pre-emption-only system.

In view of the above, applicants respectfully submit that neither Kuftedjian et al. nor Kindell et al. disclose or suggest the above cited limitation of amended claim 1, and as such, amended claim 1, and the claims that depend therefrom, are patenably distinguishable over the cited prior art references.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,



By: Paul P. Kiel  
Attorney for Applicants  
Reg. No. 40,677  
Phone (609) 734-6815

Patent Operations  
THOMSON Licensing Inc.  
P.O. Box 5312  
Princeton, New Jersey 08543-5312  
June 30, 2004

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450 on:

July 1, 2004  
Date

  
Linda Tindall